



U.S. Department of Justice
United States Attorney
Southern District of Ohio

Federal Building *Telephone: 937-225-2910*
200 West Second Street, Suite 600 *Fax: 937-225-2564*
Dayton, Ohio 45402

February 6, 2020

VIA CERTIFIED MAIL/RETURN RECEIPT
7013 1710 0001 1536 2437
& Regular U.S. Mail

Patricia Serio
10370 Springpointe Circle, Apt H
Miamisburg, OH 45342

Re: Notice of Third-Party Petitioner Procedures for Property Forfeited
in *United States v. Travis Edward Walker*, Case No. 3:18-cr-075-WHR

Deadline for Filing a Third-Party Petition: **Thirty (30) Days from Your
Receipt of This Notice**

To Whom It May Concern:

The United States District Court for the Southern District of Ohio has ordered that certain property be forfeited to the United States. The enclosed Preliminary Order of Forfeiture and Notice of Forfeiture further describe the property subject to forfeiture (the "subject property") and the procedure for filing a petition with the court for a hearing to adjudicate the validity of any alleged interest in the subject property.

You are hereby given notice of the forfeiture of the subject property and of your right to assert an interest in the property. This Notice is intended only to inform you of your rights. Receipt of this Notice in no way is intended to imply that the United States believes you have a valid interest in the subject property.

The procedure for filing a petition is set forth more fully in 21 U.S.C. § 853(n). Under 21 U.S.C. § 853(n)(2), any person, other than the defendant, asserting a legal interest in the subject property, who wishes to contest the forfeiture of the property must, within thirty (30) days of receipt of this letter, file a petition in the United States District Court for the Southern District of Ohio for a hearing to adjudicate the validity of the alleged legal interest in the subject property.

Exhibit 1

Any petition filed by a third party shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property; the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property; any additional facts supporting the petitioner's claim; and the relief sought.

Your petition must be filed under the above case name and number in the United States District Court for the Southern District of Ohio, with a copy to the undersigned attorney for the United States. The address of the Clerk, with whom you must file any petition, and the address of my office, to which you must send to my attention a copy of anything you file with the Clerk, appear in the enclosed Notice of Forfeiture.

Very truly yours,

DAVID M. DEVILLERS
United States Attorney

George R. Painter

GEORGE ROBERT PAINTER
Assistant United States Attorney

GRP/kp
Enclosures

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to: Patricia Serio 10370 Springpointe Cir. Apt. H Miamisburg OH 45342 Direct Notice 3:18CR075</p>		<p>B. Received by (Printed Name) C M Serio</p> <p>C. Date of Delivery 2-15-20</p>	
<p>2. Article Number (Transfer from service label) 7013 1710 0001 1536 2437</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type <input checked="" type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery</p>		<p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>9590 9402 5474 9249 6547 64</p>		<p>Domestic Return Receipt</p>	

U.S. Department of Justice
United States Attorneys Office
Southern District of Ohio
 200 West Second Street
 Suite 600
 Dayton, Ohio 45402

Official Business
 Penalty for Private Use \$300

ADDRESS SERVICE REQUESTED

7013 1710 0001 1536 2437



CERTIFIED MAIL™



RETURN RECEIPT REQUESTED

Patricia Serio
 10370 Springpointe Circle, Apt H
 Miamisburg, OH 45342

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ADDRESS SERVICE REQUESTED

Patricia Serio
 10370 Springpointe Circle, Apt H
 Miamisburg, OH 45342



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, : Case No. 3:18-cr-075
Plaintiff, : Judge Walter H. Rice
v. :
TRAVIS EDWARD WALKER, :
Defendant. :

NOTICE OF FORFEITURE

Notice is hereby given that on January 9, 2020, in the above case name and number, the United States District Court for the Southern District of Ohio entered an Order, under 18 U.S.C. § 2253(a)(1) and (3), condemning and forfeiting the interest of the defendant in the following (hereinafter the "subject property"):

- LG cellular telephone, Model LS992, bearing MEID 089482906302322840 and IMSI 310120141719692;
- Generic CPU stand, black in color, missing side panel;
- Seagate Barracuda hard drive, Model ST1000DM003, SN: S1DE8FHQ, 1 TB;
- Seagate hard drive, Model SRD00F1, SN: NA98LJ63; and
- WD PC hard drive, Model WD10EZEX, SN: WCC3F4XK9V1Y.

The United States gives notice of its intent to forfeit any other right, title, or interest in the subject property and to dispose of the property in such manner as the Attorney General may direct. Any person claiming a legal right, title, or interest in the forfeited property must file a petition, pursuant to 21 U.S.C. § 853(n), within thirty (30) days of receipt of this notice, requesting a hearing to adjudicate the validity of his/her alleged interest in the property. If a hearing is requested, it shall be held before the Court

alone, without a jury. Petitioners will bear the burden of proof in all such cases. Petitions that fail to allege an interest sufficient to maintain a claim under 21 U.S.C. § 853(n) shall be subject to dismissal without a hearing.

The petition shall be signed by the petitioner under penalty of perjury and shall identify the property in which the petitioner claims a legal right, title or interest; the nature and extent of the right, title or interest in the property; the time and circumstances of the petitioner's acquisition of the right, title and interest in the property; and any additional facts and documents supporting the petitioner's claim and the relief sought. Corporate persons may only file petitions if represented by counsel.

A hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty (30) days of the filing of the petition. The Court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant named above. The petitioner may testify and present evidence and witnesses on his/her own behalf and cross-examine witnesses who appear at the hearing.

Your petition must be filed with the United States District Court for the Southern District of Ohio in Case No. 3:18-cr-075 at the following address:

United States District Court
702 Federal Building
200 W. Second Street
Dayton, Ohio 45402

Furthermore, you must serve the United States Department of Justice with your petition at the following address:

Samce Harden
Assistant United States Attorney
United States Attorney's Office
600 Federal Building
200 W. Second Street
Dayton, Ohio 45402

IF YOU FAIL TO FILE A PETITION TO ASSERT YOUR RIGHT, TITLE OR INTEREST IN THE ABOVE-DESCRIBED PROPERTY WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS NOTICE, YOUR RIGHT, TITLE AND INTEREST IN THIS PROPERTY SHALL BE LOST AND FORFEITED TO THE UNITED STATES. THE UNITED STATES THEN SHALL HAVE CLEAR TITLE TO THE SUBJECT PROPERTY AND DISPOSE OF THE PROPERTY IN ACCORDANCE WITH THE LAW.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, : Case No. 3:18-cr-075
Plaintiff, : Judge Walter H. Rice
v. :
TRAVIS EDWARD WALKER, :
Defendant. :

PRELIMINARY ORDER OF FORFEITURE

Upon the United States' Motion for Preliminary Order of Forfeiture and the Court's review of the evidence in the record, including the Plea Agreement, the Court HEREBY FINDS THAT:

On May 24, 2018, a grand jury in the Southern District of Ohio returned a six-count Indictment, charging the Defendant in Counts 1 and 4 with Production of Child Pornography, in violation of 18 U.S.C. § 2251(a) and (e), and in Count 5 with Distribution of Child Pornography, in violation of 18 U.S.C. § 2252(a)(2) and (b)(1), among other violations.

Pursuant to Fed. R. Crim. P. 32.2(a), a forfeiture allegation in the Indictment contained notice to the Defendant that the United States sought forfeiture of property that contains an unlawful visual depiction and any property that the Defendant used or intended to use to commit the offenses pursuant to 18 U.S.C. § 2253(a). The United States has identified the following property (the "subject property") for forfeiture:

- LG cellular telephone, Model LS992, bearing MEID 089482906302322840 and IMSI 310120141719692;
- Generic CPU stand, black in color, missing side panel;
- Seagate Barracuda hard drive, Model ST1000DM003, SN: S1DE8FHQ, 1 TB;

- Seagate hard drive, Model SRD00F1, SN: NA98LJ63; and
- WD PC hard drive, Model WD10EZEX, SN: WCC3F4XK9V1Y.

On September 23, 2019, the Defendant entered into a Plea Agreement with the United States in which the Defendant agreed to plead guilty to Counts 1, 4 and 5 of the Indictment and agreed to the immediate forfeiture of the subject property, pursuant to 18 U.S.C. § 2253, as property that contains an unlawful visual depiction and/or property that the Defendant used or intended to use to commit the offenses.

The Defendant entered pleas of guilty to Counts 1, 4 and 5 of the Indictment on September 23, 2019.

The subject property is forfeitable, pursuant to 18 U.S.C. § 2253(a)(1) and (3), as property that contained an unlawful visual depiction and/or property that the Defendant used or intended to use to commit the offenses set forth in Counts 1, 4 and 5 of the Indictment to which the Defendant has pleaded guilty. The Defendant had an interest in the subject property.

The United States has established the requisite nexus between the subject property and the Defendant's offenses.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. All right, title, and interest in the subject property is condemned and forfeited to the United States pursuant to 18 U.S.C. § 2253(a)(1) and (3).
2. The United States is authorized to seize the subject property, pursuant to 21 U.S.C. § 853(g) and Fed. R. Crim. P. 32.2(b)(3), whether held by the Defendant or a third party; conduct any discovery for identifying, locating, or disposing of the property; and to commence proceedings that comply with any statutes governing third party rights.
3. In accordance with the direction provided by the Attorney General and Fed. R.

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Crim. P. 32.2(b)(6), the United States shall publish notice of this Order and send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding. Publication must take place as described in Supplemental Rule G(4)(a)(iii) of the Federal Rules of Civil Procedure, and may be by any means described in Supplemental Rule G(4)(a)(iv). Publication is unnecessary if any exception in Supplemental Rule G(4)(a)(i) applies.

4. The notice must describe the forfeited property, state the times under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the Assistant United States Attorney to be served with the petition. The notice may be sent in accordance with Supplemental Rules G(4)(b)(iii)-(v).

5. Pursuant to 21 U.S.C. § 853(n)(2), any person, other than the Defendant, asserting a legal interest in the subject property, who wishes to contest the forfeiture of the subject property must, within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier, file a petition in the United States District Court for the Southern District of Ohio for a hearing to adjudicate the validity of the alleged legal interest in the subject property.

6. Any petition filed by a third party shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property; the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property; any additional facts supporting the petitioner's claim; and the relief sought.

7. The United States shall have clear title to the subject property following the Court's disposition of all third party interests, or if no third party petitions are timely filed, following the expiration of the period provided by statute for the filing of third party petitions.

8. In accordance with the Plea Agreement, this Preliminary Order of Forfeiture is final

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as to the Defendant and shall be made part of the sentence and included in the Judgment. This Order remains preliminary as to third parties until the ancillary proceeding is concluded.

SO ORDERED:

Dated: 1-9-20


WALTER H. RICE
UNITED STATES DISTRICT JUDGE